

REMARKS

This Application has been carefully reviewed in light of the Official Action mailed July 2, 2004. In order to advance prosecution of the present Application, Claims 1, 13, 18, 22, 25, 27, 44, and 45 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claim 18 stands objected to for a minor informality. Claim 18 has been amended to address the informality identified by the Examiner.

Claims 1-45 stand provisionally rejected under 35 U.S.C. §101 as claiming the same subject matter as copending U.S. Application Serial No. 09/751,319. Applicant has expressly abandoned U.S. Application Serial No. 09/751,319. Therefore, this rejection is now moot.

Claims 44 and 45 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 44 and 45 have been amended to address matters raised by the Examiner. Therefore, Applicant respectfully submits that Claims 44 and 45 are in accordance with 35 U.S.C. §112, second paragraph.

Claims 1-6, 10-13, and 44 stand rejected under 35 U.S.C. §102(e) as being anticipated by Safai. Independent Claims 1, 13, and 44 recite in general the ability for the reference platform to identify a service provider and receive configuration data from the service provider once communication has been established therebetween and upload an image to the service provider in response to the configuration data. By contrast, the Safai patent requires a user to manually identify the service provider and manually upload images to the service provider. Thus, the Safai patent does not provide a reference platform that identifies a service provider, receives configuration data from the service provider, and sends images to the service provider in response

to the configuration data as required in the claim invention. Support for the above recitation can be found at page 8, lines 1-10, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1-6, 10-13, and 44 are not anticipated by the Safai patent.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Safai in view of Howard, et al. Independent Claim 1, from which Claim 7 depends, has been shown above to be patentably distinct from the Safai patent. Moreover, the Howard, et al. patent does not include any additional disclosure combinable with the Safai patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 7 is patentably distinct from the proposed Safai - Howard, et al. combination.

Claims 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Safai in view of Ito, et al. Independent Claim 1, from which Claims 8 and 9 depend, has been shown above to be patentably distinct from the Safai patent. Moreover, the Ito, et al. patent does not include any additional disclosure combinable with the Safai patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 8 and 9 are patentably distinct from the proposed Safai - Ito, et al. combination.

Claims 14-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Safai in view of Wasula, et al. Independent Claim 13, from which Claims 14-20 depend, has been shown above to be patentably distinct from the Safai patent. Moreover, the Wasula, et al. patent does not include any additional disclosure combinable with the Safai patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 14-20

are patentably distinct from the proposed Safai - Wasula, et al. combination.

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Safai in view of Paz-Pujalt, et al. Independent Claim 13, from which Claim 21 depends, has been shown above to be patentably distinct from the Safai patent. Moreover, the Paz-Pujalt, et al. patent does not include any additional disclosure combinable with the Safai patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 21 is patentably distinct from the proposed Safai - Paz-Pujalt, et al. combination.

A one (1) month extension of time is respectfully requested and a Notification of Extension of Time with check is attached herewith in support thereof.

CONCLUSION

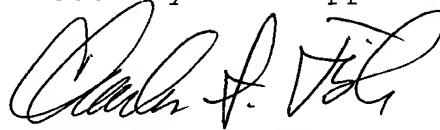
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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November 2, 2004

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